

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MICHAEL DELUCA,

Plaintiff,

v.

**COMMISSIONER OF SOCIAL
SECURITY,**

Case No. 23-CV-02902-SPM

Defendant.

ORDER FOR ATTORNEY FEES

McGLYNN, District Judge:

This matter is before the Court on Plaintiff Michael DeLuca's Motion for Attorney Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) [hereinafter EAJA]. (Doc. 20). Plaintiff DeLuca seeks a total of \$2,750.00 for work performed between August and November 2023. (*See id.*, p. 4). In response, the Defendant Commissioner of Social Security states that “[t]he Commissioner does not oppose Plaintiff's Motion for Attorney Fees Under the Equal Access to Justice Act (EAJA) to the extent that it seeks \$2,750.00 for attorney fees and expenses in full satisfaction of any and all claims that may be payable to plaintiff in this matter under the [EAJA].” (Doc. 21, p. 1 (citing 28 U.S.C. § 2412)).

The Court finds that Plaintiff is the prevailing party and is entitled to an award of attorney fees pursuant to the EAJA. The Court further finds that the amount sought is reasonable and appropriate. This award shall fully and completely satisfy any and all claims for fees and expenses that may have been payable to Plaintiff in

this matter pursuant to the EAJA, 28 U.S.C. § 2412. Per the parties' agreement, this motion does not include Plaintiff's costs, and Plaintiff may file a separate bill of costs.

The Motion for Attorney Fees filed by Plaintiff Michael DeLuca (Doc. 20) is **GRANTED**. The Court awards Plaintiff attorney fees and expenses in the amount of \$2,750.00 (two thousand seven hundred fifty dollars and zero cents).

The amount awarded is payable to Plaintiff and is subject to set-off for any debt owed by Plaintiff to the United States in accordance with *Astrue v. Ratliff*, 560 U.S. 586 (2010). *See also Harrington v. Berryhill*, 906 F.3d 561 (7th Cir. 2018). Because plaintiff has not provided an assignment, Defendant will direct that the award be made payable to Michael DeLuca. If payment is mailed, as compared to electronically deposited, it shall be mailed to counsel's address of record:

**Law Office of Brent Gaines
12 South Second Street
Bellville, Illinois 62220**

IT IS SO ORDERED.

DATED: January 13, 2025

s/ Stephen P. McGlynn
STEPHEN P. McGLYNN
U.S. District Judge